

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 4, 5, 11, 12 and 13 have been rejected under 35 USC §103(a) as being unpatentable over Traff (3,187,826) and Chandler (3,991,006); and claims 1, 2, 3, 6, 7, 8, 9, 10 and 14 have been rejected under 35 USC §103(a) as being unpatentable over Traff and Chandler as applied above and further in view of Astl (5,131,783), Preisler (3,640,459) and Williamson (5,801,338). Accordingly, claims 1 through 14 remain active in the present application.

The telephone interview granted by Examiner Gibson on January 6, 2004 is hereby acknowledged and is sincerely appreciated. During the course of the interview, applicant's attorney presented claims 1 through 14 as presently amended herein. It was emphasized during the course of the interview that a significant distinction between the presently claimed scale mat and platform scale assembly is the use of mechanical fasteners to clamp or bias a substantially rigid scale mat onto a scale. It was emphasized that Traff, the primary reference, required the use of grout to adhesively secure a bathroom tile within a metal pan formed on the upper surface of a bathroom scale. The bathroom floor tiles in the Traff reference were identified as lacking any mechanical projections or other means for mechanical fastening as set forth in applicant's claims. At the conclusion of the interview, the Examiner agreed to reconsider the claims as amended.

Considering first the Examiner's question whether "BMC 300 Granite" is a trademark, it is submitted that BMC 300 Granite is not a trademark insofar as "BMC" is a generic term used in the industry to identify "bulk molding compound". Applicant has been unable to determine whether any trademark status is accorded the term "300 Granite", however, a search of the

USPTO trademark database fails to identify any such trademark. Accordingly, it is believed that the term "BMC 300 Granite" is a generic descriptor incapable of serving as a trademark.

Considering next the rejection of claims 4, 5, 11, 12 and 13 under 35 USC §103 as being unpatentable over Traff and Chandler, it is submitted that applicant has amended independent claims 4 and 11 so as to patentably define over Traff and Chandler. More specifically, applicant has amended each of claims 4 and 11 to specify that the scale mat is a rigid scale mat which is mechanically biased and coupled or fixed to the scale cover. In claim 4 it is emphasized that this mechanical biasing holds the scale mat tightly against the scale cover to increase the load bearing capacity of the scale cover. In claim 11, the rigid foot supporting mat has been similarly amended to specify that it is formed of a plastic material held tightly against the scale cover so as to significantly increase the load bearing capacity of the scale cover.

A review of Traff indicates a chemical or adhesive bond is provided between the floor surfacing material and the base portion 14 of the scale. In figure 2 in Traff, a ceramic grout material appears to be laid within the base 14 to bond the floor surfacing material to the base 14. No mechanical fasteners nor any type of mechanical biasing is apparent in Traff. A review of Chandler fails to disclose any type of mechanical connection between a scale mat and a scale cover. Rather, Chandler discloses fiber reinforced tiling which appears to be flexible, as indicated at column 3, line 5.

Considering next the rejection of claims 1, 2, 3, 6, 7, 8, 9, 10 and 11 under 35 USC §103 as being unpatentable over Traff and Chandler and further in view of Astl, Preisler and Williamson, it is respectfully submitted that applicant's independent claims 1, 4 and 11 have been amended so as to patentably define over this combination of references. First, with respect to claim 1, none of the references discloses a generally rigid scale mat having a mounting

member projecting from a planar body portion formed of plastic for mounting and mechanically biasing a mat to a scale. There is simply no suggestion whatsoever for this particular structure found in any of these references.

In consideration of the platform scale assembly of claim 4, again, a rigid scale mat is claimed as being mechanically biased and held tightly against the scale cover to increase the load bearing capacity of the scale cover. As indicated above, no reference of record discloses the mechanical biasing of a scale mat to a scale cover in such a manner so as to improve the load bearing capacity of the scale cover. The same is true with respect to applicant's claim 11 which emphasizes the same benefits.

Applicant agrees with the Examiner that the use of mechanical fasteners dates back to ancient times. However, applicant emphasizes that the particular combination of applicant's claimed elements, which include a mechanically biased rigid scale mat, is not suggested in any of the references of record.

Although Williamson shows mechanical fasteners, it is submitted that these mechanical fasteners do not hold a scale mat to a scale cover. Rather, as seen in figures 4 and 5 in Williamson, a metal scale platform is staked to an underlying metal support plate 70. This is exactly the structure identified in applicant's specification at paragraph 0004 wherein it is noted that the cover of a scale is frequently reinforced with one or more panels or braces which underlie, support and rigidify the cover.

By forming a scale mat of a rigid plastic material having a high modulus, the underlying braces, such as the type shown in Williamson, may be eliminated. Moreover, as indicated in applicant's specification at page 3, paragraph 0012, an object of the invention is the reduction or elimination of these internal braces and supports. In addition, by forming the scale mat as a rigid

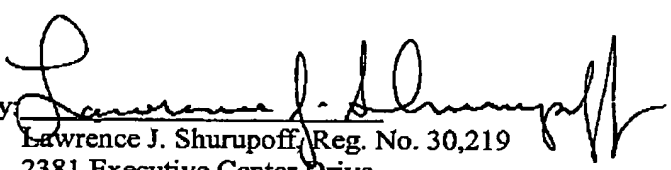
material, the problem of the flexible edges curling up around the flexible rubber mats previously used in the art is eliminated, as such curling is prevented with a rigid plastic material.

Applicant agrees that Preisler shows integrally molded studs. However, the metal studs are molded in a rubber material flexible enough to be rolled up, as indicated at column 2, line 51. Although the studs in Preisler extend outwardly from a flexible rubber mat, they do not provide any biasing function whatsoever and are generally unsuitable as mechanical fasteners. Rather, the studs in Preisler provide increased traction as indicated at column 2, lines 32-33. Accordingly, Preisler fails to rectify the deficiencies noted above.

Respectfully submitted,

SUNBEAM PRODUCTS, INC.

By


Lawrence J. Shurupoff, Reg. No. 30,219
2381 Executive Center Drive
Boca Raton, FL 33431
Tel. No. (561) 912-5185
Fax No. (561) 912-4182